UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/851
19 January 1994

ORIGINAL: ENGLISH

Forty-eighth session
Agenda items 8 and 167

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

BUILDING A PEACEFUL AND BETTER WORLD THROUGH SPORT

Solemn appeal made by the President of the General Assembly on 19 January 1994 in connection with the observance of the Olympic Truce

The President of the General Assembly has the honour to make the following solemn appeal in connection with the observance of the Olympic Truce:

"On 25 October 1993, the General Assembly adopted resolution 48/10, by which it proclaimed 1994 as the International Year of Sport and the Olympic Ideal, and resolution 48/11, in which it urged Member States to observe the Olympic Truce.

The Olympic Truce for the upcoming Olympic Games to be held at Lillehammer, Norway, from 12 to 27 February 1994, will last from 5 February to 6 March 1994. The Olympic Truce, or ekecheria, is based on an ancient Greek tradition, dating back to the ninth century B.C. All conflicts ceased during the period of the Truce, which began seven days prior to the opening of the Olympic Games and ended on the seventh day following the closing of the Games, so that athletes, artists, their relatives and pilgrims could travel safely to the Olympic Games and afterwards return to their countries.

Valiant attempts have consistently been made by the United Nations in an effort to bring peace and stability to the troubled regions of the world. Still new concepts are needed for dealing with strife.

I solemnly appeal to all States to observe the Olympic Truce and to strive towards building lasting peace, whether or not they are now parties to a confrontation. I urge us all to place at the forefront of our

thoughts and actions the principles and ideals which the ekecheria and the Olympic Movement seek to propagate. By applying the principle of the ekecheria, the world can at least hope for some respite, however temporary, from the killing and destruction which accompany conflict. I therefore appeal to those now engaged in armed struggles to uphold this principle and suspend hostilities in keeping with its observance."

In order for the General Assembly to take note of the solemn appeal, it will be necessary to reopen agenda item 167.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/48/852
S/1994/59
21 January 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 54
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-ninth year

Letter dated 19 January 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you today by H.E. Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly under agenda item 54 and of the Security Council.

(Signed) İnal BATU
Permanent Representative

Annex

As you are no doubt aware, following the recent elections held in the Turkish Republic of Northern Cyprus, a coalition government has been formed between the Democratic Party and the Republican Turkish Party which received a vote of confidence from the Turkish Republic of Northern Cyprus Assembly on 12 January 1994.

The text of paragraphs relating to the Cyprus question of the government programme presented to the Assembly on 10 January 1994 is annexed to this letter for Your Excellency's information. It will be noted that this document, while reiterating the well-known fundamental positions of the Turkish Cypriot side on the Cyprus question such as bicommunality, bizonality, political equality, Turkey's effective guarantee and sovereignty, also lends renewed support to the efforts for establishing trust and confidence between the two communities, through direct dialogue between the two leaders.

In contrast to this positive approach, however, and at a time when efforts in this regard have been intensified with the presentation of the United Nations experts' reports, the Greek Cypriot side has stepped up its public campaign against the package of "confidence-building measures" and, particularly, against the experts' reports. As part of this, the Greek Cypriot spokesman, Mr. Kassoulides, stated on 4 January 1994 that the Greek Cypriot side does not consider the United Nations experts' reports as "final United Nations documents" or as "binding". He added that his side could not accept the fact that political issues were raised in these reports.

In answer to a question as to what would happen if these reports were annexed to the package, he said "if such a thing happens, we will reject it". Mr. Kassoulides repeated his remarks on Greek Cypriot radio on 10 January 1994. In the meantime, the Greek Cypriot press assailed the reports by claiming they "create a State within a State, in Varosha".

The leader of the Greek Cypriot community, Mr. Glafcos Clerides, on the other hand, faced with criticism for having allegedly "accepted" the package of "confidence-building measures", made it clear that he had "not gone beyond agreeing to discuss the package". He added "the experts' reports are not for acceptance, they are for discussion".

The Greek Cypriot leadership's latest remarks are seen as further confirmation that right from the beginning the Greek Cypriot side had merely "appeared" to have accepted the package for tactical reasons, whereas it had not actually done so.

Just as significantly, the Greek Cypriot Foreign Minister, Mr. Alecos Michaelides, in a recent interview with the Greek Cypriot weekly magazine Selides, stated that the "set of ideas" put forward by the Secretary-General could not bring a workable solution to the Cyprus question and, therefore, could not be accepted as it is. Mr. Michaelides went on to say the following:

"The structure that could be brought about by these ideas will collapse at the transitional stage. Even if we surpass this stage, the structure that will be created will not be lasting. The acceptance by us of the Ghali 'set of ideas' as it is would mean the violation of human rights with our own signature. This would also prevent our entry into the European Union."

The obvious conclusion that can be drawn from these remarks is that the Greek Cypriot side believes that the "set of ideas" violates human rights and the principles of the European Union. This adds a new dimension to the well-known opposition of the Clerides administration to the "set of ideas" and is revealing.

I wish to reiterate that Your Excellency's efforts for the establishment of trust and confidence between the two sides in Cyprus and for the achievement of an overall solution in the island cannot but suffer from this new display of unconstructive behaviour on the part of the Greek Cypriot side. I am sure that Your Excellency as well as the international community will duly take note of the negative implications of this unconstructive attitude of our counterparts for the process of negotiations in the island.

I shall be grateful if the present letter and its annex are circulated as a document of the General Assembly, under agenda item 54, and of the Security Council.

Enclosure

The Government will do its share so that a mutually acceptable solution to the Cyprus question can be found.

The Government will support the intercommunal talks aimed at a just and durable peace, which will be conducted within the context of the good-offices mission of the United Nations Secretary-General and on the basis of equal political status. The Government believes that the negotiations between the two sides must be conducted freely and under conditions of equality.

The talks shall be conducted within the context of the 1977 and 1979 high-level agreements and the mutually accepted principles by the two community leaders. It is the Government's belief that it would be more appropriate and beneficial to hold the talks in Cyprus.

It is fundamental that any agreement that will be reached through the intercommunal talks be submitted to the free will of the two communities and be implemented only if it is approved by them in separate referendums.

A settlement to be reached shall be aimed at securing the coexistence of the two communities side by side in peace and tranquillity without returning to the pre-1974 conditions.

What is important on the subject of territorial adjustments is that, in the context of the criteria envisaged in the 1977 high-level agreement, an amount of land which will be considered adequate by the Turkish Cypriot people remain as ours. We shall not accept any approach that will force our people to move from their current places.

Any agreement to be reached shall be based on the equal political status of the two peoples and on the joint sovereignty which shall emanate from the two peoples. The residual powers of the two separate administrations shall rest on sovereignty, in a manner similar to that in the Swiss Constitution.

The bicommunal and bizonal structure shall continue to be effectively and physically guaranteed by Turkey.

Within this structure, no community shall have the right to be sovereign over, or to have administrative or other jurisdiction over the other.

The basis of the joint administration is the equality of the two sides.

Decision by consensus shall be the basis of the joint administration.

Bicommunality as a characteristic shall be reflected at every level of the joint administration, including the rotating presidency.

The Government considers it useful that the two community leaders, within the context of the intercommunal negotiating process, hold contacts with a view to achieving intercommunal rapprochement and confidence-building.

Equality and mutual respect are essential in all intercommunal relations and contacts.

In the process of finding a solution to the Cyprus question, in addition to the continuation of the President as negotiator, our Government shall attach special importance to the participation in the intercommunal talks of the Deputy Prime Minister, together with the Foreign Minister, as Government representatives, and to keeping the Turkish Republic of Northern Cyprus Assembly informed on the progress of the negotiations.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/48/852/Corr.1
S/1994/59/Corr.1
26 January 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 54
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-ninth year

Letter dated 19 January 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Corrigendum

1. Page 1

The text of the letter should read:

I have the honour to transmit herewith a letter addressed to you today by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 54, and of the Security Council.

(Signed) İnal BATU
Ambassador
Permanent Representative

2. Page 2, title

The title of the annex should read:

ANNEX

Letter dated 19 January 1994 from Mr. Osman Ertuğ to the Secretary-General

3. Page 3

Insert the following signature at the end of the annex:

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/853
21 January 1994

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 127

SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS

Letter dated 21 January 1994 from the Secretary-General to the President of the General Assembly

At present, 25 Member States are in arrears under the terms of Article 19 of the Charter, which states as follows:

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

The minimum payments necessary to reduce the amounts owed by those Member States on their contributions so that they remain below the gross amount owed for the preceding two full years (1992-1993) are the following:

	United States dollars
Angola	47 900
Benin	20 400
Burkina Faso	72 500
Cambodia	95 200
Central African Republic	90 900
Chad	80 400
Comoros	5 000
Costa Rica	91 000
Dominican Republic	552 600
Equatorial Guinea	137 100
Gambia	34 200
Guatemala	190 500

	United States dollars
Guinea-Bissau	83 300
Haiti	91 000
Liberia	172 800
Mali	84 800
Mauritania	10 000
Paraguay	46 500
Sao Tome and Principe	128 700
Sierra Leone	85 643
Solomon Islands	52 700
Somalia	152 300
South Africa	59 645 200
Yemen	18 600
Yugoslavia	1 190 700

(Signed) Boutros BOUTROS-GHALI
Secretary-General

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/48/854
S/1994/70
24 January 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 42
THE SITUATION IN BOSNIA AND
HERZEGOVINA

SECURITY COUNCIL
Forty-ninth year

Letter dated 22 January 1994 from the Permanent Representative of Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to present to you the attached letter, of today's date, from my Prime Minister to Your Excellency.

May I ask for your kind assistance in circulating this letter as a document of the General Assembly, under agenda item 42, and of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative

Annex

Letter dated 22 January 1994 from the Prime Minister of Bosnia and Herzegovina to the Secretary-General

Today, while expecting the rotation of the United Nations Protection Force (UNPROFOR) commanders for Bosnia and Herzegovina, on a day described as "relatively quiet", shells were fired from Serb aggressor posts against the residential area of Alipasino Polje, six children being murdered while doctors are still trying to save the lives of another four wounded children. The oldest among the casualties was born in 1981.

This massacre humiliates the international community, it mocks the dignity of the United Nations and makes pointless and futile all our enormous efforts to achieve peace through the talks. Our children are being killed but, this time again, their blood was spilled over the face of the UNPROFOR mission, which was incapable of protecting innocent children playing in the snow. How many times we have heard the United Nations claiming that they would not allow the "strangling of Sarajevo?" The murdered children were playing within the "safe area", on an urban street only 200 metres away from UNPROFOR headquarters. The Serbian aggressor "welcomed" the rotation of the UNPROFOR commanders for Bosnia and Herzegovina by taking the most tragic toll - our children. What else should happen in Sarajevo to incite the mechanism that would lead to the implementation of United Nations resolutions?

We request you, in accordance with the relevant Security Council resolutions as well as with the conclusions of the North Atlantic Treaty Organization (NATO), to demand air strikes against the aggressor posts around Sarajevo.

Haris SILAJDZIĆ
Prime Minister

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/855
27 January 1994

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 24 January 1994 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the attached United States statement supporting the initiative of the Intergovernmental Authority on Drought and Development (IGADD) towards a peaceful settlement in the Sudan (see annex), with the request that this statement be circulated as a document of the General Assembly under agenda item 114 (c), Human rights questions: human rights situations and reports of special rapporteurs and representatives (the situation of human rights in the Sudan).

(Signed) Madeleine K. ALBRIGHT
Permanent Representative

Annex

STATEMENT BY THE UNITED STATES DATED 24 JANUARY 1994 SUPPORTING THE INITIATIVE OF THE INTERGOVERNMENTAL AUTHORITY ON DROUGHT AND DEVELOPMENT (IGADD) TOWARDS A PEACEFUL SETTLEMENT IN THE SUDAN

The United States Government is encouraged by and fully supports Kenyan President Moi's call for an early meeting in Nairobi of the leaders of Kenya, Uganda, Eritrea and Ethiopia, under the auspices of the Intergovernmental Authority on Drought and Development (IGADD), to pursue initiatives towards a peaceful settlement of the Sudan's long-running and bloody civil war. The efforts of President Moi and his IGADD partners are also supported by the United Nations General Assembly and accepted by the parties to the conflict.

The United States Government calls upon the Government of the Sudan and the factions of the Sudanese People's Liberation Army (SPLA) to end the suffering of the Sudanese people. All parties in this tragic civil war should:

(a) Immediately agree to a cease-fire;

(b) Commit themselves to working with the IGADD partners on negotiations leading to a comprehensive settlement of the Sudanese conflict;

(c) Commit themselves to full cooperation with the United Nations-led international humanitarian relief effort, which is working to assist the many conflict victims in the Sudan.

The people of the Sudan, of whom 2.5 million are in need of humanitarian assistance, are the victims of this war. Another dry-season offensive can only increase the human suffering. We call on both the Khartoum Government and the SPLA factions to commit themselves to a cease-fire now and thereby demonstrate their serious intent to settle their differences through negotiations.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/48/856
S/1994/90
27 January 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session

SECURITY COUNCIL
Forty-ninth year

APPOINTMENT OF A JUDGE OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Note by the Secretary-General

1. By a letter dated 23 December 1993, Mr. Germain Le Foyer de Costil (France) informed the Secretary-General of his resignation, effective 1 January 1994, as Judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991.

2. Judge Le Foyer de Costil had been declared elected a member of the International Tribunal by the General Assembly on 17 September 1993 to serve for a four-year term, commencing on 17 November 1993. 1/

3. In accordance with the provisions of article 13, paragraph 3 of the Statute of the International Tribunal, 2/ in the event of a vacancy in the Chambers, after consultation with the Presidents of the Security Council and the General Assembly, the Secretary-General shall appoint a person meeting the qualifications set out in article 13, paragraph 1 of the Statute, for the remainder of the term of office concerned.

4. By identical letters dated 10 January 1994, the Secretary-General consulted with the Presidents of the Security Council and the General Assembly concerning the appointment of a Judge to fill the unexpired term of Mr. Le Foyer de Costil. The President of the General Assembly replied by letter dated 12 January 1994, and the President of the Security Council replied by letter dated 13 January 1994.

1/ Decision 47/328 of 17 September 1993.

2/ S/25704, annex.

5. On 14 January, having consulted with the Presidents of the Security Council and the General Assembly, the Secretary-General appointed Mr. Claude Jorda (France) as Judge of the International Tribunal for the remainder of the term of office of Mr. Le Foyer de Costil, until 17 November 1997.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/857
28 January 1994

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 27 January 1994 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit, enclosed herewith, the statement by the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia dated 21 January 1994, concerning the arrest and expulsion of two priests of the Serbian Orthodox Church from the former Yugoslav Republic of Macedonia.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 114 (c).

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

Statement dated 21 January 1994 by the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia concerning the arrest and expulsion of two priests of the Serbian Orthodox Church from the former Yugoslav Republic of Macedonia

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia expresses its concern at the expulsion of two priests of the Serbian Orthodox Church from the former Yugoslav Republic of Macedonia, under the accusation that they have performed religious rites without the approval of the Macedonian Orthodox Church and the Ministry of the Interior of Macedonia in several villages of the Kumanovo area and flared up in that way religious hatred and ethnic intolerance.

This is not the first time that the authorities of this former Yugoslav Republic have demonstrated an intolerant and inflexible attitude against priests of the Serbian Orthodox Church and prevented them in a rude way from performing their regular priestly duties.

By such an attitude towards the Serbian Orthodox Church and its priests, by banning rites in the Serbian language and by taking individual priests to the police for informative talks, the right is denied to the Serbian people in Macedonia to freedom of religious expression which is in direct contravention of internationally verified norms and documents accepted and supported, at least declaratively, by the former Yugoslav Republic of Macedonia.

In this way the atmosphere of insecurity and fear is underlined among Serbs in Macedonia whose position has not been adequately constitutionally defined yet, despite the promises and alleged readiness of competent authorities.

In addition to the already existing discrimination in the field of the use of language, employment, education and information, such behaviour of Macedonian authorities makes Serbs feel second-class citizens, i.e. being denied enjoyment of the same rights recognized to the members of the majority people and the members of other nationalities in this former Yugoslav Republic.

The Federal Ministry of Foreign Affairs expects that the Macedonian side will undertake all necessary measures in order to prevent these and similar incidents from being repeated and that it will soon proceed to solving the question of the constitutional position of the Serb people in the former Yugoslav Republic of Macedonia in accordance with the highest standards of the Conference on Security and Cooperation in Europe and the United Nations.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/858
29 January 1994

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

Report of the Secretary-General

I. INTRODUCTION

1. At its forty-eighth session the General Assembly adopted resolution 48/143 of 20 December 1993, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia", in which it condemned and demanded an end to the practice of the rape and abuse of women and children and expressed outrage at its use as a weapon of war and an instrument of "ethnic cleansing", in particular against Muslim women and children in Bosnia and Herzegovina. To that end, it urged all Member States to take action to bring the practice to an end and to bring the perpetrators to justice, invited the Commission on Human Rights to remain seized of the issue, and encouraged the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to give priority to cases of abuse of women and children. All States and relevant intergovernmental and non-governmental organizations were urged to provide appropriate support to victims of rape and abuse. In conclusion, the Assembly requested the Secretary-General to provide such necessary means as available to him in the area to enable any future missions to have free and secure access to places of detention, and requested him to submit a report on the implementation of the resolution to the Assembly not later than 31 January 1994.

2. In conformity with the above-mentioned invitation to the Commission on Human Rights, the Secretary-General has drawn the resolution to that body's attention in the annotations to the agenda of the fiftieth session of the Commission on Human Rights. 1/ With regard to the request for provision by the Secretary-General of necessary means, the programme budget for the biennium

1994-1995 provides resources for missions to be carried out by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, accompanied, if necessary, by medical experts, as well as for similar missions of enquiry by the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992.

3. The present report includes information provided by the Commission of Experts and the Special Rapporteur, Mr. Tadeusz Mazowiecki.

4. The Secretary-General also draws attention to his report to the Commission on Human Rights of 30 June 1993. 2/ That report addressed the problem of the widespread occurrence of rape and responses to the problem in peace negotiations in Bosnia and Herzegovina and in the activities of the Special Rapporteur, the Commission of Experts, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. The report also described the relevant activities of the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies.

II. ACTIVITIES OF THE COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

5. Throughout the various phases of the armed conflicts in the former Yugoslavia, reports received by the Commission of Experts have referred to allegations of widespread and systematic rape and other forms of sexual assault. The Commission of Experts therefore decided at an early stage to examine the question of whether the systematic perpetration of such acts, or the development and encouragement of a policy promoting such acts, should be regarded as crimes in themselves and, if so, as war crimes or crimes against humanity. Thus, the Commission of Experts, from the beginning, decided to include selective in-depth investigations of allegations of systematic sexual assaults in its plan of work and to study all available reports on systematic sexual assaults. It also decided to determine as soon as possible the most effective way to approach the problem and whether on-site investigations should be undertaken. 3/

6. During the conduct of these investigations, the Commission of Experts maintained cooperation with a number of Governments of Member States, with United Nations bodies such as the Commission of Human Rights and its Special Rapporteur and with several non-governmental organizations.

7. During the mission to the former Yugoslavia in April 1993, the Rapporteur for the gathering and analysis of facts and the Rapporteur for on-site investigations went to Sarajevo and met with the War Crimes Commission of Bosnia and Herzegovina. They asked for evidence of rape cases and met with a group of doctors and investigators who dealt with these questions. They also met with rape victims from Foca. The two Commissioners were promised documentation, which was delivered in June/July 1993 as described below.

8. Between 20 June and 9 July 1993 the Commission of Experts sent a mission to Sarajevo 4/ to conduct several pilot studies, including one on rape, and to receive the documentation on rape cases that the War Crimes Commission of Bosnia and Herzegovina had promised in April. During the mission, the Commission of Experts obtained from the War Crimes Commission all their information identified as relating to this issue (listing 126 victims, 113 incidents, 252 alleged perpetrators, 73 witnesses and 100 documents). The Commission of Experts also received copies of all the files in the possession of local authorities and identified as related to rape. The information contained in the files has been entered into the database of the Commission of Experts.

9. During that mission the team also interviewed one rape victim, a 13-year-old girl who was held captive for 10 days in July 1992 and was a victim of multiple rape. As this experience in the field showed, the victims of rape had as a rule left their homes and were likely to be found either in refugee camps or to have moved to resettlement. Under these circumstances, the Commission decided that small teams with a high proportion of female personnel, deployed (with the cooperation of the Governments providing refugee camps or resettlement for people from the former Yugoslavia) for extended periods of time in those locations would be the most effective means of gathering such information.

10. At its sixth session, held on 13 and 14 July 1993, the Commission decided that further planning for this investigation would be done on the basis of the study on systematic sexual assault, which was provided shortly after the session by the Rapporteur on the gathering and analysis of facts on the basis of the information contained in the Commission's database. 5/

11. The study noted that rape had been reported to have been committed by all sides to the conflict. However, out of 330 reported cases reviewed in the study at that time, the largest number of victims have been Bosnian Muslims and the largest number of alleged perpetrators have been Bosnian Serbs. These alleged perpetrators include military personnel, special forces (some of whom are from outside Bosnia and Herzegovina), local police and civilians.

12. Some of the rape cases, the study said, are clearly the result of individual or small-group conduct without evidence of command responsibility. Others may be part of an overall pattern. Because of a variety of factors, such a pattern may lead to a conclusion that a systematic rape policy existed, but this remains to be proved. Among these factors is the coincidence in time between military action designed to displace civilian populations and widespread rape of the same populations. Group involvement of the members of the same military units in rape suggests command responsibility by commission or omission; in this respect, the manner in which this type of rape was conducted in multiple locations and within a fairly close period of time (mostly between May and December 1992) is also a significant factor. Another factor in this connection is the contemporaneous existence of other violations of international humanitarian law in a given region occurring simultaneously in prison camps, in the battlefield and in the civilian regions of occupied areas.

13. The study suggested that if further investigations prove that a nexus exists between these activities and the policy of "ethnic cleansing", then it could be argued that rape has been used as an instrument of war and carried out

in a manner designed to instil terror, shame and other psychological consequences in a given population group to coerce their removal and prevent their return. However, the consequences and conclusions of such practice have yet to be determined more fully by comprehensive investigations.

14. The Commission of Experts considered the study and decided to proceed by organizing interviews with alleged rape victims both in the former Yugoslavia and in refugee camps in a number of European countries and to set up female teams of investigators for this purpose. This concept was discussed by the Commission of Experts with the participation of a group of non-governmental organizations between October and December 1993. During these discussions, the scope of this investigation was broadened, and the final plan of the investigation, entitled "Plan of Action for an in-depth investigation of allegations of sexual assault, extrajudicial executions, torture and alleged violations of international humanitarian law in detention camps in connection with the hostilities in the former Yugoslavia", was approved by the Commission of Experts at its ninth session, held from 13 to 15 December 1993. Thus the investigation will now encompass violations of international humanitarian law against the person, including extrajudicial executions, torture and other violations of international humanitarian law, particularly in detention camps. However, special emphasis will be given to allegations of sexual assault.

15. Through this Plan of Action, the Commission of Experts intends to gather evidence and to report its findings through the Secretary-General to the Security Council in accordance with its mandate. The primary goal is to produce specific evidence for the report of the Commission of Experts which may also be used for prosecutions.

16. Phase I of the investigation will take place from January to March 1994 in the former Yugoslavia. During that period, teams of interviewers will travel from their base at Zagreb to wherever witnesses and victims may wish to testify. It is fundamental to the work of the Commission of Experts that it welcomes testimony from any person, whether man or woman and regardless of their ethnic origin. Interviews in phase I may be conducted in Croatia, including the United Nations Protected Areas (UNPAs), Slovenia and the Federal Republic of Yugoslavia (Serbia and Montenegro). For reasons of security of witnesses and victims, interviews will not be carried out in Bosnia and Herzegovina at this stage.

17. It is envisaged that phase II will involve interviews in asylum countries other than those of the former Yugoslavia. The Commission of Experts is in contact with 15 such host States, 6/ as well as organizations and individuals, in the hope that they may be able to assist in:

(a) Identifying witnesses and victims;

(b) Locating those willing to offer evidence to the Commission;

(c) Providing psychological insight into the nature and condition of the victims, in order to assist the interviewers in ensuring an appropriate approach to interviews.

18. The Commission of Experts also hopes that refugee communities in those countries will have the opportunity to give their testimony to the Commission. It may be that some elements of phase II will be conducted in parallel to phase I if States request that interview teams be sent earlier (such as is the case with Turkey).

19. The interviews in phase I will be conducted by lawyers experienced in violent crimes and particularly in violent sexual offences. All those involved in the interview process, including interpreters (who will be specially selected), will be suitably qualified and impartial women under contract with the Commission of Experts.

20. Throughout the investigation, the interest of the victims and witnesses is paramount. Particular attention will be paid to their physical and psychological well-being as well as to their personal security and the confidentiality of any information they may provide. Interviews will only be conducted with the consent of the witness/victim.

21. A highly qualified group of mental health specialists, including psychiatrists and psychologists, with experience in post-traumatic stress will be contracted by the Commission of Experts. This group of experts, consisting mainly of women, will be available to the victim/witness as they wish before, after and possibly during the interview. Those who wish to give information should know that these mental health professionals will liaise with their local counterparts to ensure that post-interview counselling will be made available to each interviewee.

22. The results of this study will be reflected in the final report of the Commission of Experts, which is expected to be submitted by the end of April 1994.

III. ACTIVITIES OF THE SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS

23. Given the attention being paid by the Commission of Experts to the issue of rape and sexual abuse, and in order to avoid an overlap of activities, the Special Rapporteur does not at present intend to undertake special studies. He continues, however, to pay attention to the widespread occurrence of rape, particularly in Bosnia and Herzegovina. The Special Rapporteur has referred to the practice in many of his reports. On the initiative of the Special Rapporteur, a team of medical experts visited the former Yugoslavia from 12 to 23 January 1993 to investigate allegations of rape, particularly in the context of the conflict in Bosnia and Herzegovina. The report of the medical experts was attached _in extenso_ as annex II to his report dated 10 February 1993. 7/ In that report, the Special Rapporteur endorsed the findings of the medical experts and drew attention, _inter alia_, to their conclusion that in Bosnia and Herzegovina and in Croatia rape has been used as an instrument of "ethnic cleansing". In his report dated 19 May 1993, the Special Rapporteur drew attention to incidents at Vitez and Ahmici in Bosnia and Herzegovina. 8/ In his report of 6 September 1993, 9/ he referred to incidents reported from Mostar, in Bosnia and Herzegovina. The Special Rapporteur's fifth periodic report, dated

17 November 1993, 10/ devotes a section to the issue of rape in Bosnia and Herzegovina. As well as detailing a number of incidents and allegations of rape, the Special Rapporteur condemns, "the continuing commission of the crime of rape and of all other forms of sexual abuse". 11/

24. The Special Rapporteur is currently preparing his sixth and final periodic report for the fiftieth session of the Commission on Human Rights. This report will also contain a section updating his fifth periodic report with regard to the incidence of rape in Bosnia and Herzegovina.

Notes

1/ E/CN.4/1994/1/Add.2.

2/ E/CN.4/1994/5.

3/ See S/25274, annex I, paras. 58-60 and 66-67.

4/ See S/26545, annex, paras. 48-50.

5/ Ibid., paras. 67-70.

6/ The Commission of Experts contacted the Governments of Austria, Belgium, Canada, Denmark, France, Germany, Israel, Italy, the Netherlands, Norway, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The Commission of Experts received responses from Sweden, Norway, Denmark, Israel, Germany, Turkey, Canada and the United Kingdom of Great Britain and Northern Ireland.

7/ E/CN.4/1993/50.

8/ E/CN.4/1994/4.

9/ E/CN.4/1994/8.

10/ E/CN.4/1994/47.

11/ Ibid., para. 229.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/859
31 January 1994

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Approval of the appointment of the High Commissioner for Human Rights

Note by the Secretary-General

1. The General Assembly, in its resolution 48/141 of 20 December 1993, decided to create the post of High Commissioner for Human Rights. The Assembly also decided that the High Commissioner for Human Rights shall:

(a) Be a person of high moral standing and personal integrity and shall possess expertise, including in the field of human rights, and the general knowledge and understanding of diverse cultures necessary for impartial, objective, non-selective and effective performance of the duties of the High Commissioner;

(b) Be appointed by the Secretary-General of the United Nations and approved by the General Assembly, with due regard to geographical rotation, and have a fixed term of four years with a possibility of one renewal for another fixed term of four years;

(c) Be of the rank of Under-Secretary-General.

2. In the light of the provisions of General Assembly resolution 48/141, the Secretary-General proposes to appoint Ambassador Ayala Lasso as High Commissioner for Human Rights, for a term of office of four years, effective 28 February 1994.

3. The Secretary-General trusts that the General Assembly will approve this appointment.

94-05539 (E) 310194

310194